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**FACSIMILE  
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## CERTIFICATION OF FACSIMILE TRANSMISSION:

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILED  
TRANSMITTED TO THE USPTO ON THE DATE SHOWN BELOW:

Date of Transmission: July 20, 2004

Name of Person Making Transmission: Teri McDonald

Signature: *Teri McDonald* 7/20/04**OFFICIAL**

DOCUMENT(S) FAXED:

PAGES ATTACHED: 2

Re Applic of	International Business Machines Corporation
Docket No.	FIS920040186US1
Serial No.	10/710,286
Filing Date	6/30/04
Attorney	H. Daniel Schnurmann

Attached: Preliminary Amendment

<b>PLEASE DELIVER TO:</b> <b>EXAMINER:</b> <b>ART UNIT:</b> <b>PHONE NO:</b> <b>FAX NO: 703-872-9306</b>	
<small>THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS TO THE RIGHT VIA THE U.S. POSTAL SERVICE.</small>	<b>INTERNATIONAL BUSINESS MACHINES CORPORATION</b>  Intellectual Property Law East Fishkill Facility 2070 Route 52 Hopewell Junction New York 12533-6531  Fax: 845-892-6363 Phone: 845-894-2580

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING SENT VIA FACSIMILE TO: COMMISSIONER OF  
PATENTS AND TRADEMARKS, P.O. Box 1450, Alexandria, VA 22313, ON Sent by: Teri McDonald

 7/20/04  
Signature & Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
In re application of: Chinthakindi, et al.	Date: July 20, 2004
Serial Number: 10/710,286	Examiner: To be Assigned
Filed: 6/30/04	Group Art Unit: To be Assigned
Title: Elastomeric CMOS Based Micro Electromechanical Varactor	IBM Corporation D/18G, B/300, Zip 482 2070 Route 52 Hopewell Junction, NY 12533-6531

### PRELIMINARY AMENDMENT

Commissioner of Patents and Trademarks  
Alexandria, VA 22313

Sir:

In accordance with the provisions under 37 C.F.R. § 1.115, Applicants request entry  
of the following preliminary amendment.

Please preliminarily amend the application as follows: